

11-26-01

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## UTILITY PATENT APPLICATION TRANSMITTAL

Attorney Docket No.

AB-147U

(New Nonprovisional Applications Under 37 CFR § 1.53(b))

## TO THE ASSISTANT COMMISSIONER FOR PATENTS:

Transmitted herewith is the patent application of ( ) application identifier or (X) first named inventor, Todd K. Whitehurst, entitled Systems and Methods for Modulation of Pancreatic Endocrine Secretion and Treatment of Diabetes for a(n):

- (X) Original Patent Application.  
 ( ) Continuing Application (prior application not abandoned):  
     ( ) Continuation   ( ) Divisional   ( ) Continuation-in-part (CIP)  
     of prior Application No. \_\_\_\_\_, filed on \_\_\_\_\_.

Enclosed are:

- (X) Application Data Sheet 1 Total Sheet(s).  
 (X) Non-Publication Request 1 Total Sheet(s).  
 (X) Specification; 37 Total Pages + cover sheet.  
 (X) Drawing(s); 9 Total Sheets of formal drawings + 9 Total Sheets of copy of drawings.  
 (X) Oath or Declaration:  
     (X) A Newly Executed Combined Declaration and Power of Attorney:  
         (X) Signed.                      ( ) Unsigned.                      ( ) Partially Signed.  
     ( ) A Copy from a Prior Application for Continuation/Divisional (37 CFR § 1.63(d)).  
         ( ) Incorporation by Reference. The entire disclosure of the prior application, from which a copy of the  
             oath or declaration is supplied, is considered as being part of the disclosure of the accompanying  
             application and is hereby incorporated herein by reference.  
         ( ) Signed Statement Deleting Inventor(s) Named in the Prior Application. (37 CFR § 163(d)(2)).  
 (X) Return Receipt Postcard.

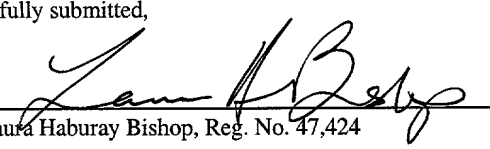
## CLAIMS AS FILED

FOR	NO. FILED	NO. EXTRA	RATE	FEE
Total Claims	29	9	\$18.00	\$162.00
Independent Claims	5	2	\$84.00	\$168.00
Multiple Dependent Claim Fee (if applicable)				\$0.00
Assignment Recording Fee (if applicable)				\$0.00
Basic Filing Fee				\$740.00
Total Filing Fee				\$1,070.00

Please charge \$1,070.00 to Deposit Account No. 50-0648 pursuant to 37 CFR § 1.25. At any time during the pendency of this application, the Commissioner is hereby authorized to charge any fees required under any provision of 37 CFR § 1.16 or 37 CFR § 1.17, or credit any overpayment, to the indicated Deposit Account. A duplicate copy of this sheet is enclosed for fee processing against this Deposit Account.

Respectfully submitted,

By:

  
 Laura Haburay Bishop, Reg. No. 47,424

Date: November 06, 2001

Correspondence Address: Advanced Bionics Corporation  
 12740 San Fernando Rd.  
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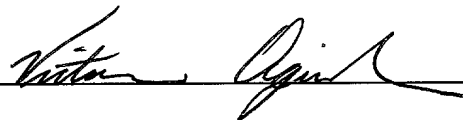
23845

PATENT TRADEMARK OFFICE

I hereby certify that this is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on the date indicated below and is addressed to:

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<b>NONPUBLICATION REQUEST UNDER 35 U.S.C. 122(b)(2)(B)(i)</b>	First Named Inventor	Whitehurst, et al.
	Title	Systems and Methods for Modulation of Pancreatic Endocrine Secretion and Treatment of Diabetes
	Atty Docket Number	AB-147U

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing.

I hereby request that the attached application not be published under 35 U.S.C. 122(b).

November 06, 2001

Date

  
Signature

Laura Haburay Bishop, Reg. No. 47,424

Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

**Burden Hour Statement:** This collection of information is required by 37 CFR 1.213(a). The information is used by the public to request that an application not be published under 35 U.S.C. 122(b) (and the PTO to process that request). Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 6 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.**

Docket No.: AB-147U

United States Patent Application

of

**Todd K. Whitehurst**

a resident of Sherman Oaks, California  
and a citizen of the United States

and

**James P. McGivern**

a resident of Stevenson Ranch, California  
and a citizen of the United States

**Systems and Methods for Modulation  
of Pancreatic Endocrine Secretion and Treatment of Diabetes**

Attorney/Agent Name and Correspondence Address:

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Victoria Aguilera

(Typed name of person mailing)

  
(Signature of person mailing)